

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION



*Rec'd 7/24/98*  
*jm*

B. JEAN WEBB, )  
Plaintiff, )  
v. ) Case No. 98-3306-CV-S-RGC  
CITY OF REPUBLIC, MISSOURI, )  
Defendant. )

PLAINTIFF'S MOTION TO AMEND COMPLAINT  
WITH SUGGESTIONS IN SUPPORT

Pursuant to Rules 15(a), Fed. R. Civ. P., plaintiff moves the court for an order allowing plaintiff to file the attached First Amended Complaint.

Suggestions in Support

Plaintiff moves for leave to file the attached First Amended Complaint in order to clarify plaintiff's prayer for relief and specifically to delete any claim for monetary damages.

Rule 15(a) provides that, at this stage of litigation, leave to amend "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a).

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason--such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failures to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.--the leave sought should, as the rules require, be "freely given."

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Foman v. Davis, 371 U.S. 178, 182 (1962).

Here, the court should grant plaintiff leave to file the attached amended complaint because it states proper subjects of relief and is timely filed. Granting this motion and directing the clerk to file the attached First Amended Complaint will not prejudice the defendant in any way.


WHEREFORE, plaintiff requests that the court grant this motion and enter an order directing the clerk to file the attached First Amended Complaint forthwith.

Respectfully submitted,

  
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OF WESTERN MISSOURI  
ATTORNEY FOR PLAINTIFF

Certificate of Service

I certify that, on July 22, 1998, a copy of the foregoing document was mailed, postage prepaid to: David R. Huggins, National Legal Foundation, PO Box 341283, Memphis, TN 38184-1283, and James M. Kelly, 316 West Hwy. 60, PO Box 327, Republic, MO 65738, Attorneys for Defendant.

  
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